

Decision Pathway – Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 06 October 2020

TITLE	Sports facilities in parks and green spaces		
Ward(s)	All wards		
Author: Richard Fletcher	Job title: Parks Services Manager		
Cabinet lead: Mayor	Executive Director lead: Stephen Peacock		
Proposal origin: BCC Staff			
Decision maker: Mayor			
Decision forum: Cabinet			
Purpose of Report:			
<p>To approve the delivery of a sustainable financial future for football, cricket and bowls facilities in the city’s parks and green spaces by transferring their management and operation to capable third parties through a transparent application process. To further raise the quality of these facilities through investment and to approve a revised approach to charging (excluding the Downs) where facilities continue to be operated and managed by Bristol City Council, so that they are operated at no cost to the Council.</p>			
Evidence Base:			
<p>The Council’s adopted Bristol Playing Pitch Strategy identified that Bristol has a large number of poor grass playing pitches and that a significant number of these are in Council ownership and on Parks land. These pitches are supported by an ageing stock of changing rooms and pavilions - reflecting a long period of under, or no investment. There is a desire from sport funding bodies to improve facilities and the improvement of grass pitches has been identified as a priority in the Football Foundation’s Football Facility Plan for Bristol. Following a consultation process, the Playing Pitch Strategy adopted a five point plan in relation to football which included “the delegated management of pitches and associated facilities to local clubs (asset transfer) to offer potential savings.”</p> <p>The Council currently offers bowls, football and cricket facilities in parks at an estimated net cost of £201K per annum. At its Cabinet meeting on 1st May 2018, the Council adopted an approach to provide sport in parks at no cost as part of a three-year savings’ programme. To identify how this might be delivered a public consultation exercise was carried out between 28th May 2019 and 9th July 2019 and sought comment on three options. These options and the results can be seen at Appendix B.</p> <p>As a result of the consultation, subsequent further engagement with sports governing bodies and the bowls clubs in scope, and a consideration of the condition of some assets, a blend of recommendations from options A, B and C are made:</p> <p>For bowls facilities in parks that are in scope:</p> <ul style="list-style-type: none"> • Progress a lease for the bowls facilities at Canford Park, Begbrook Park and Netham Park with the existing occupiers. The agreement would be to guarantee continued current use for sport. • Incorporate Eastville Park and St George Park bowls facilities, and the Ardagh Sports Centre bowls green, in to the Bristol Future Parks process without a condition that they continue to be used only for sport. <p>For football and cricket facilities in parks that are in scope:</p> <ul style="list-style-type: none"> • Incorporate Oldbury Court in to the Bristol Future Parks process with a condition that playing pitches must be able to be provided. 			

- Take forward an asset transfer expression of interest process from October 2020 on the remaining sites with a condition that the function for the existing sport must be protected. The site would be leased to a third-party operator. Site use may be multifunctional in order to support sustainable funding, use and access to protect existing levels.
- For facilities where Expressions of Interest are not received and they continue to be operated by the council, the hire costs will reflect the real cost of maintenance with the principle that pitches will be cost neutral to the council.

All in-scope facilities are listed in Appendix A with the intended method to progress these.

New operating clubs or organisations operating facilities would be required to enter into full repairing lease arrangements on buildings and full maintenance lease or licence arrangements on pitches. To facilitate the preferred option the Council would invest in facilities where sustainable business plans are agreed with third parties and would work in partnership to realise additional financial support and expertise from sports governing bodies and others.

Next steps would include:

- Oct 20 - Identify statutory and/or other legal issues (including property related issues, procurement issues and any internal approvals required) associated with specific proposals and the means to address these.
- Nov to Jan 21 - Seek expressions of interest (EOI) from third parties in operating sports facilities – responding to a facilities brochure. EOIs will be assessed alongside relevant sports governing bodies.
- Feb 21 - Appraise EOIs received.
- March 21 to July 21 - Invite shortlisted applicants to submit a business case for their proposal(s).
- July to Sept 21 - To seek external funds and seed fund with Council capital funds.
- Dec 21 - To conclude appropriate legal agreements for the transfer of the assets.

Cabinet Member / Officer Recommendations:

That Cabinet:

1. Authorise the Executive Director for Growth and Regeneration in consultation with the Mayor, the S.151 Officer, and Director of Legal Services to take all steps required to procure and enter into contracts required to Transfer and upgrade sporting facilities located in parks and green spaces (detailed in appendix A and B) to be operated by third parties up to the value of £500k.
2. Authorise the Executive Director for Growth and Regeneration in consultation with the Mayor, to procure and enter into contracts required to support the delivery of the transfer programme up to the sum of £50k.
3. Authorise the Executive Director for Growth and Regeneration in consultation with the Mayor to implement a revised charging regime for sports facilities in parks (excluding the Downs) which are not subject to an asset transfer and operated and managed by Bristol City Council.
4. Notes that the recommendation in relation to a revised charging regime has been made following consultation and engagement with users and that the decision is made taking that in to consideration.

Corporate Strategy alignment:

1. Empowering and Caring: Work with partners to empower communities and individuals, increase independence and support those who need it. Give children the best possible start in life.
2. Wellbeing: Create healthier and more resilient communities where life expectancy is not determined by wealth or background.

City Benefits:

1. The proposal will deliver new investment in outdoor sports facilities that are very run-down in many cases;
2. The proposal will deliver required savings to the Parks Service budget by operating sports facilities at no cost to the council;
3. The proposal will drive innovation and ownership from communities to ensure that local sport thrives and is financially sustainable.

Consultation Details:

This proposal is the result of two full public consultations:

- Parks and Green Spaces (budget savings) – 6th November 2017 to 29th Jan 2018
The consultation found that 53% of respondents supported providing sports facilities at no cost to the council with 22% not supporting this.
- Parks' sports (bowls, cricket and football) facilities consultation – 28th May to 9th July 2019
Subsequent engagement work took place between October 2019 and January 2020 with the city's bowls clubs and Gloucestershire Bowls Association.
The consultation provided two clear options to achieve the proposal of providing sport at no cost to the council. 61% of respondents supported the proposal of inviting expression of interest for third parties to operate sports facilities with 22% supporting the proposal to increase in fees. There were variations in response between sporting groups as set out in the report.
- Further engagement work took place with affected bowls clubs – Oct 19 to Jan 20.

Background Documents:

[Cabinet Report and decision 1st May 2018](#)

Bristol City Council [Playing Pitch Strategy](#)

Revenue Cost	£50,000 (one-off to aid formal asset transfer)	Source of Revenue Funding	Parks and Green Spaces revenue budget
Capital Cost	£500,000	Source of Capital Funding	Use of ringfenced capital receipts from the sale of green space through the Councils Area Green Space Plan process, to deliver the community asset transfer and capital investment.
One off cost <input checked="" type="checkbox"/> Ongoing cost <input type="checkbox"/> Saving Proposal <input checked="" type="checkbox"/> Income generation proposal <input type="checkbox"/>			

Required information to be completed by Financial/Legal/ICT/ HR partners:**1. Finance Advice:**

1. Finance Advice: The report is seeking to preserve the provision of sports facilities in the city's parks. It's proposing to do this by investing up to £0.550m to upgrade the sports facilities and enter into contracts to transfer assets to third parties for operating provided it is financially viable to do so.
2. Those assets not transferred and continued to be operated and managed by Bristol City Council require a revised charging approach to be implemented, so that they are operated at no cost to the Council.
3. The bulk for the funding for the investment in the infrastructure (£0.500m), will come from a number of sources:
 - a) £0.269m is secured for this project through the partial sale of Salcombe Rd land in Knowle, in accordance with the Cabinet report of 26/1/12 – "Parks & Green Spaces – Land disposals and investments".
 - b) £0.171m is anticipated from the sale Henacre Open Space to help citywide parks, which accounts for 50.2% of the total sales amount of £0.342m (£0.253m in March 2021 and £0.089m in September 2021). The balance of 49.8% (£0.171m) remaining locally as agreed in the Neighbourhood Committee decision in June 2012.
 - c) £0.060m will be allocated from Sports S106 funds.
4. The balance of funding of the proposal will come from revenue funding of £0.050m from the Parks service.

This will fund legal and property associated costs involved in the third party transfer contracts.

5. To ensure the proposal continues to progress and isn't held up from the Sale of Henacre Open Space, sports S106 funds have been identified to support this proposal and would be replenished following receipt of the capital funds from the Henacre land sale.
6. The report seeks delegated authority for the detailed proposals and terms of contracts to be agreed by the Executive Director for Growth and Regeneration, in consultation with the Deputy Mayor, Finance Governance and Performance, the S.151 Officer, and Director of Legal Services.
7. There are no new funding implications for the Council.

Finance Business Partner:

Kayode Olagundoye, Interim Finance Business Partner, Growth & Regeneration, 23rd September 2020

2. Legal Advice:

Procurement/State Aid

Whenever the Council purchases goods, works or services, if the value is above certain thresholds, the Council's Procurement Rules or the Public Contracts Regulations 2015 must be complied with (i.e. a compliant procurement process used). Concession arrangements often fall under these Rules/Regulations. Accordingly, in relation to each of the proposed transactions with third parties in relation to the sports facilities in parks, the relevant officers must ensure legal advice is sought on whether the relevant transactions falls under the Rules/Regulations.

In addition, wherever the Council grants a benefit (eg transfer of land/use of facilities at less than the market value – please note market value must take into account any improvements to the land/facilities made by the council) there is a potential for the benefit to constitute State aid. State aid is prohibited under the Treaty on the Functioning of the European Union. Accordingly, again in relation to any transaction where a benefit is granted, the relevant officers must seek legal advice to ensure either that no State aid is present, or any State aid that is present falls under one of the available exemptions (for example where the aid a party receives from all state resources is less than £180k over any rolling 3 year period, this is permitted under the de minimis exemption).

Consultation

Consultation has taken place in relation to the decision to be taken (see Appendix). The responses to the consultation must be taken into account by Cabinet when taking the decision. Cabinet should also be satisfied that proper consultation has taken place in that (i) proposals were consulted on are at a formative stage (ii) sufficient reasons have been given for the proposals and (iii) adequate time has been allowed for consideration and response.

It is especially important to make sure that a fair process has been followed where a proposal is likely to deprive citizens of an existing benefit.

Equalities

Cabinet must when making this decision comply with the Public Sector Equality duty to consider the need to promote equality for persons with "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and have due regard to the need to

i) eliminate discrimination, harassment, and victimisation

ii) advance equality of opportunity

iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

In order to do this Cabinet will need to have sufficient information about the effects of the proposed changes to the on the aims of the Equality Duty. The Equalities impact assessment is designed to assist with compliance with this duty and so Cabinet must take in to consideration the assessment and the Public sector equality duty before taking the decision

Best Value

The Council is under a duty by virtue of S123 of the Local Government Act 1972 to achieve best value for its assets

and any disposal should be at the best price reasonably obtainable. The duty to seek best consideration is subject to certain exceptions, most notably section 2 of the Local Government Act 2000 providing the Council with well-being powers to accept a disposal at undervalue within the £2 million threshold, where the authority considers the disposal will help it to secure the promotion or improvement of the economic, social or environmental well-being of its citizens.

Legal Team Leader:

Sinead Willis, Commercial and Governance Team Leader, 28 August 2020

3. Implications on IT:

“No anticipated impact on IT Services”.

IT Team Leader:

Simon Oliver - Director - Digital Transformation, Digital Transformation. 27th July 2020

4. HR Advice:

“There are no HR implications evident”.

HR Partner:

Celia Williams - HR Business Partner – Growth and Regeneration. 28th July 2020

EDM Sign-off	Stephen Peacock	22 nd July 2020
Cabinet Member sign-off	Cllr Craig	23 rd July 2020
For Key Decisions - Mayor's Office sign-off	Mayor's office	28 th September 2020

Appendix A – Further essential background / detail on the proposal	YES
Appendix B – Details of consultation carried out - internal and external	YES
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	YES
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO